IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:13 CV 249

JAMES HARDIN,)	
Plaintiff)	
V)	<u>ORDER</u>
CREDIT MANAGEMENT, LP.,)	
Defendant.)	

THIS MATTER has come before the undersigned pursuant to Defendant's Motion to Stay Case Pursuant to the Primary Jurisdiction Doctrine (#12). An examination of the motion does not show that Defendant has consulted with the Plaintiff concerning the resolution raised in the motion.

LCvR 7.1(B) provides as follows:

(B) Requirement of Consultation. Any motions other than for dismissal, summary judgment, or default judgment shall show that counsel have conferred or attempted to confer and have attempted in good faith to resolve areas of disagreement and set forth which issues remain unresolved. The requirement of consultation also applied to motions for extension of time and to motions for continuance of a trial or other proceeding. Consultation is not required where the moving party is represented and the non-moving party is unrepresented, or where the motion is for an extension of time to file a responsive pleading to complaint, counterclaim, crossclaim, or any other initial petition for relief.

As a result of Defendant's failure to comply with LCvR 7.1(B), the

undersigned will deny the motion without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Stay

Case Pursuant to the Primary Jurisdiction Doctrine (#12) is **DENIED** without prejudice.

Signed: July 9, 2014

Dennis L. Howell United States Magistrate Judge